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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,085	05/24/2000	Richard Palmeri	1008-00	4564

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IP DEPARTMENT
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PHILADELPHIA, PA 19103

EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,085

Applicant(s)

PALMERI, RICHARD

Examiner

Thach H Bui

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The preliminary amendment filed January 10, 2002 has been received and entered.

Information Disclosure Statement

2. Applicant's prior art citation filed January 7, 2002 has been received, considered and placed of record.

Specification

3. The specification is objected to because the specification contains public domains such as www.visa.com and www.mastercard.com. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with informalities too numerous to mention specifically.

The following noted informalities are merely exemplary thereof. The claims should be revised to conform to U.S. Patent Office practice.

Claim 1 is vague and indefinite because "maintaining at least one user account" renders the claim unclear. Who is maintaining at least one user account? And how is it being maintained? See claim 17 for the same informality.

Claim 1 is vague and indefinite because "maintaining at least one vendor account" renders the claim unclear.

Claim 1 is vague and indefinite because "maintaining at least one user trust account" renders the claim unclear.

Claim 1 is vague and indefinite because there is no clear or proper antecedent basis for "at least a portion" recited in lines 7 and 9. How much is a portion? And what determine "a portion" to be transferred? See other claims for the same informality.

Claim 1 is vague and indefinite because "initiating said transaction for said transaction amount" renders the claim unclear. Who is initiating the transaction?

Claim 2 is vague and indefinite because "comprising the step of separately identifying one or more selected from the group consisting" renders the claim unclear (idiomatic English).

Claim 3 is vague and indefinite because "maintaining a second user account" renders the claim unclear. See claim 18 for the same informality.

Claim 4 is vague and indefinite because "at least one user account is one or more selected from the group consisting" renders the claim unclear (idiomatic English). See claim 13 for the same informality.

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Claim 5 is vague and indefinite because there is no clear or proper antecedent basis for "said portion" recited in line 3. What determined "the portion"? And how much is "the portion"? See claims 14, 20 for the same informality.

Claim 11 is vague and indefinite because "a user identification system for identifying one or more selected from the group consisting" renders the claim unclear (idiomatic English).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 5-6, 8, 11-15, 17, 19-21, 23, and 26-28 as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman.

As per claim 1, Hoffman discloses a method of electronically reallocating a transaction amount between a user and a vendor comprising at least one user account (14), and at least one vendor account (12). The system includes an electronic distributing means to distribute a transaction amount from the user account to the vendor account (see Figure 2). The system also comprises at least one user trust fund or investment fund wherein the transaction amount is being electronically distributing from the vendor account to the user trust fund account or the investment account (column 4, lines 30-69; column 5, lines 1-69; column 6, lines 1-15).

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As per claim 2, the claimed invention is mentioned in the above paragraph.

As per claim 5, Hoffman discloses an interactive information source between the user and the user trust fund/investment account, whereby the user trust fund/investment account provides information to the user (see Figure 3).

As per claim 6, Hoffman also teaches an interactive information source is a web site (column 1, lines 3-40; column 12, lines 1-33) (see Figures 2 and 3).

As per claim 8, Hoffman discloses a system having at least one user institution comprising at least one user account and a user account's processing unit (see Figure 3). The system also includes at least one vendor institution (see Figure 2) having at least one vendor and a vendor's account transaction processing unit. Further, Hoffman teaches at least one money transfer system (electronically distributed) that is in communication with the vendor.

As per claim 11, Hoffman discloses a user identification system i.e. customer No. 123 and customer No. 234 (see Figures 1 and 2).

As per claims 12-15, 17, 19-21, 23, and 26-28, the claimed inventions are discussed in the above paragraphs.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 3-5, 9-10, 16, 18, 24-25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman.

As per claim 3, 4, 18 and 25, Hoffman has all the features of the invention but lacks a second user account. Hoffman teaches a customer deposit account. It would have been obvious to one having ordinary skill in the art to have multiple accounts i.e. checking account, saving account and etc. Having multiple accounts will help the user to organize his or her funds.

As per claim 5, the system of Hoffman teaches providing information to a user regarding transaction amount placed in the investment vehicle. Such is deemed necessary for providing up to date information to users regarding their account.

As per claims 9, 10 and 24, Hoffman does not explicitly mention the account managers for the user and the vendor. However, Hoffman teaches statements or invoices that itemized all the transactions that occurred. This feature would indicate that there is an account manager that keeps track all records in order to provide a detailed summary for all the transactions (see Figure 3).

As per claims 16, 22, and 29, kiosk systems are well-known and used in the art. Implementing the system of Hoffman in a kiosk would have been obvious to the skilled artisan in order to provide easy access to many potential customers (such as easy access in a mall).

Conclusion

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063.

The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Poinvil can be reached on 703-305-9779. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5711.

T.B.
July 12, 2002

FToinvil
FRANTZY POINVIL
PRIMARY EXAMINER
AU 3628